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## Jill Simpson's Affidavit May Help Justice Prevail in the Siegelman, Scrushy Case

**It also lifts the veil on how politics subverts justice and dirty tricks sully politics...**

**Editor's Note:** This story is divided into five sections. It starts with [An Introduction to North Alabama Law and Politics](#), which sets the scene and gives you an indication of where the story is going. Like any southern writer knows, you have to establish the place. In part two, [Jill Simpson's Legal and Political History](#), the story introduces you to the person who wrote the affidavit, like the young lawyer who wrote the Pelican Brief in the John Grisham novel by the same name. In part three, [How the 2002 Election Was Stolen in Bay Minette](#), the story shows how history was changed with the flip of a computer switch. In part four, [How Ms. Simpson Discovered A Corrupt Judge](#), the story shows how legal research and ethics should work. Then, in part five, [How and Why Ms. Simpson Wrote and Signed the Famous Affidavit](#), the story wraps up with why she did it. It took guts to go up against the Bush and Riley political machines. She should be applauded for it.

### An Introduction to North Alabama Law and Politics

by Glynn Wilson

RAINSVILLE, Ala., June 17 - Dana Jill Simpson is faxing documents on a Sunday and waiting for me - to my surprise - with the front door unlocked in her modest red brick law office. It's at the halfway point between Ft. Payne and Scottsboro along Highway 35, which also happens to double as Main Street in the small town of Rainsville, Alabama, in this rural, mountainous Northeast corner of the state near the borders of Georgia and Tennessee.

Her house has already been burned down and one of her vehicles has been run off the road and totaled since she decided to seek justice and come out against the Bush and Riley political machines in the case of former Alabama Gov. Don Siegelman and deposed HealthSouth founder Richard Scrushy. While there may be no proof of a connection and there may be no connection at all, knowing the history of how hard the Bush's are willing to play in their pursuit of power, it has to make a person just a tad concerned - under the circumstances.

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[A slight clarification here: Ms. Simpson had been communicating with a number of people about her research, including Scrushy and Siegelman lawyers, although she had not yet written the affidavit. Some blogs have reported that these events occurred since the affidavit was signed in May. Not true. But she had already made the decision to seek justice. As you can read below, it took her awhile to come to that decision.]

Yet she still practices law with the front door unlocked in this land famous heretofore most notably for the Scottsboro Boys trial, one of the first glaring cases of legal racism that helped spawn the Civil Rights Movement.

The area is also politically famous for Buck's Pocket. It used to be said that defeated politicians went there to lick their wounds. And, the area is famous for its Sand Mountain tomatoes, the best in the world due to the high lime content in the limestone soil. And from Ft. Payne to the east, there is the country band Alabama.

Then, the area is somewhat famous for a series of strange UFO sightings down the road in Fyffe in the late 1980s, which is about the time I met Jill Simpson for the first time and came to believe in her veracity. She figured out that the UFO sightings were really military exercises.

What the mostly politically conservative people of this rural area may not fully understand yet, including the mostly retired Republicans who meet for coffee every Monday morning at the Hardees in Scottsboro, is that the place is about to be famous for something else.

Namely, unless the Bush Justice Department's power and corruption is so complete that they are able to bury this story and run roughshod over the blind Lady of Justice, the area is about to be famous for one modern-day Joan of Arc - a rare true believer in truth, justice and the "American way."

Most people who know her as a real, working lawyer just call her Jill Simpson.

Most people who keep up with the news about this already know that on May 21 of this year, Ms. Simpson wrote an affidavit and signed it in Georgia accusing the Bush and Riley political machines of all kinds of high crimes and misdemeanors. They include a plot to steal and fix the 2002 gubernatorial election for Bob Riley. And they involve a plot to politicize justice in the Siegelman, Scrushy bribery trial in Montgomery.

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But since the New York Times and [Time magazine](#) came out with only partial stories about the affidavit, Ms. Simpson has been attacked in the local news media. She has been called a "drunk fiction writer" by former Alabama Supreme Court Justice Terry Butts in an [AP story](#). As it turns out, Butts was in on the Republican effort to defeat Don Siegelman in 2002, but somehow ended up representing Richard Scrushy in the Montgomery case against them both.

Ms. Simpson has also been called "intellectually dishonest" and a "disgruntled" bidder by U.S. Attorney Louis Franklin in a case involving a tire recycling contract - even though it's not true. She is not a bidder but was only a lawyer representing a client, which Franklin should know. And she's not disgruntled at all.

The tire contract Franklin speaks of went to a person who was found to be illegally dumping tires in Alabama from Georgia, instead of her client who wanted to properly recycle the tires, not dump them in a hole. And she's the one who saved Riley from a campaign appearance on top of a pile of tires set up by a group of Democrats who at that time controlled the Alabama Department of Environmental Management Board. In other words, she saved Riley from a Democrat dirty trick - and he knows it.

When Ms. Simpson called Mr. Franklin to ask him to investigate and correct the public record, he hung up the phone on her. When given an opportunity to comment for this story, Franklin called me "a nut" and hung up on me.

Franklin is the lead prosecutor in the failed case against Scrushy in Birmingham and in the Montgomery case against them both, where a potentially tainted jury found them guilty. Legal experts say Franklin may have violated judicial canons of ethics himself by making the statements in the pre-sentencing phase of the case, and for making false accusations about another attorney.

Siegelman and Scrushy are scheduled to be sentenced in that case on June 26 for allegedly being involved in a bribery scheme to give Scrushy a seat on a state hospital board, ostensibly in exchange for a \$500,000 contribution to retire the debt on Siegelman's failed attempt at creating a state lottery to fund education.

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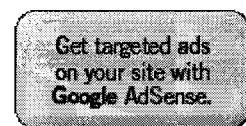
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One of the most important parts of Ms. Simpson's story involves U.S. District Judge Mark E. Fuller, who presided over the Siegelman-Scrushy trial and has so far refused to recuse himself from the sentencing phase of the case, in spite of facts unearthed by Ms. Simpson. Those facts show he has a conflict of interest and should never have sat in judgment in the case.

But that is getting ahead of the story. In trying to figure out a way to tell this story in its entirety, I am reminded of the Showtime pitch for "The Tudor's" series about the Monarchy of the young Henry VIII: "To understand a story, you must go back to the beginning. You only know how it ends."

You may know how it ends on June 26 - unless the Eleventh Circuit Court of Appeals in Atlanta intervenes and sentencing is delayed pending an investigation.

**How did it all begin? How did Jill Simpson become involved in Republican politics in Alabama and end up being a pawn in a Karl Rove dirty trick that resulted in the unlikely election of Bob Riley as governor of Alabama in 2002?**

**And why did this otherwise loyal Republican political volunteer decide to come out against the Bush and Riley political machines in the form of an affidavit that lifts the veil on how justice is arrived at in America?**

[Part 2: Back to the Beginning: Jill Simpson's Legal and Political History](#)

[Part 3: How the 2002 Election Was Stolen in Bay Minette](#)

[Part 4: How Ms. Simpson Discovered A Corrupt Judge](#)

[Part 5: How and Why Ms. Simpson Wrote and Signed the Affidavit](#)

Posted by Glynn Wilson on June 20, 2007 11:46 PM | [Permalink](#)

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## Comments

Really, when you sit down and think about it, this conspiracy theory makes sense.

Lanny Young, the lobbyist who pled guilty, testified against former Governor Siegelman, and was sent to jail? In on the conspiracy.

Nick Bailey, the former Siegelman aide who pled guilty, testified against former Governor Siegelman, and was sent to jail? In on the conspiracy.

Curtis Kirsch, the Montgomery architect who pled guilty, testified against former Governor Siegelman, and was sent to jail? In on the conspiracy

The twelve jurors who found Siegelman guilty? Too stupid to understand the evidence presented to them as manipulated by prosecutors. Obviously in on the conspiracy.

The defense attorneys hired by former Governor Siegelman who helped choose this deficient jury? Once again, obviously in on the conspiracy.

The case offered by Jill Simpson truly does make sense. Three men plead guilty and serve jail time in order to serve the needs of their party on a regular basis. Wait. I forgot. All three are Democrats. Better add the Alabama Democratic Party to the list of conspirators.

Jill Simpson should be seen for the patriot she is. Who needs tangible evidence when one has an elaborate tale to tell?

All kidding aside, the case presented proves patently absurd. First, Steve "the Jug" Windom was not the Republican favorite for Governor. The state Republican Party insiders were backing Bob Riley as they knew that Steve Windom was a buffoon who Don Siegelman would have eaten for breakfast.

"Along the way, in their effort to raise money, Ms. Simpson tried to get the Rileys to help her collect on a contract with the Federal Emergency Management Agency for one of her storm gypsy clients. It was a \$4 million deal for cleaning up after an ice storm in Pine Bluff, Arkansas, a contract that was tied up in the federal bureaucracy in Washington. What's a Congressman for but to help a constituent collect legally earned money being held up in Washington? She promised to split the money with the Rileys if they would help free it up in the bureaucracy."

Illegal. Illegal. Illegal. Let me repeat that for all of those who missed the important line in this statement.

"She promised to split the money with the Rileys if they would help free it up in the bureaucracy."

So, let me see if I can get this straight: Jill Simpson asked Bob Riley

to use his office to speed up the federal bureaucracy in order to collect on a \$4 million dollar contract. In return, "SHE PROMISED TO SPLIT THE MONEY WITH THE RILEYS (Emphasis added)."

So, our lead witness in the case for this conspiracy admits to attempting to bribe a public official. Interesting.

"Siegelman said in a recent interview that he conceded because his team figured the Alabama Supreme Court was stacked with a Republican majority and would side with Riley, so there was little point in insisting on a recount."

Now, this is where the story gets interesting, as if attempted bribery were not interesting enough. Don Siegelman himself goes on record as offering the Republican Alabama Supreme Court as why he dropped out of the race. For Jill Simpson's story to be true, then, Don Siegelman lied when he offered the Supreme Court as his reason for conceding defeat. The story goes on to state, though, that Siegelman believes everything in Simpson's affidavit. Thus, Don Siegelman admits to originally lying about the reason he conceded defeat.

Let's, for the sake of argument, assume Simpson's story is true, despite that fact that, conveniently, she kept no copies of the pictures she has claimed to have taken. Obviously any rational individual, certainly one who is as politically astute as Simpson claims to be, would have kept copies. Set that aside for one moment. If these pictures even existed, does anyone actually believe that they would have caused Don Siegelman to concede defeat? One dirty trick by one attorney who has no direct ties to Don Siegelman caused him to concede. Really? A man like Don Siegelman, who has spent his entire adult life trying to be Governor, conceded defeat because of pictures of Bob Riley campaign signs at a Klan rally? What's more likely? That Don Siegelman conceded because the Alabama Supreme Court was dominated by Republicans leaving little hope for victory, as Don Siegelman originally claimed? Or that pictures of Riley campaign signs at a Klan rally caused him to concede? Don Siegelman did not want to go to an Alabama Supreme Court stacked against him, lose, and forever be labeled a "sore loser," hurting his political future in the process.

I will not go into the false claims made against Judge Mark Fuller which have already been debunked by previous posters, only to reiterate that the article posted misrepresents the \$178 million contract that went to a company in which Fuller owns stock. While making these accusations, Simpson fails to provide one in trial example of bias by Fuller, only stating that he was biased. Fine then.

Show the bias. Which ruling did he make that showed bias during the trial? Please enlighten us. Remember, merely saying "his refusing to recuse himself shows he was biased" does not show bias. Like any bad lawyer, you are asking for a conviction while failing to offer a crime committed. You must show an actual example of in trial bias to even begin to make such a claim.

I must confess, when I first read of the charges made regarding the conference call in question, I wondered whether the charges had some merit. Having read Jill Simpson's story, however, I now hope that the Democratic Congress calls her before a committee. I hope every newspaper in the state of Alabama interviews her and puts the story on the front page. I hope the Alabama Democratic Party makes her its poster child.

Why? They will get the product they deserve. A person who attempted to bribe a Congressman making wild accusations of a grand conspiracy that fifteen minutes of reading can disprove. I actually want to thank Danny for linking this article. We are truly able to see the difference between solid blogging and nuts who give blogs a bad name.

Posted by: Will | [June 23, 2007 07:58 PM](#)

The list of witnesses is impressive, but as any one knows who has ever covered a trial, been in on a trial, sat in on a trial, watched a legal TV show about trials knows, witnesses who give testimony to save their own hides are suspect.

It is my understanding Windom was the early favorite, maybe well before the polling picks up. Although I wasn't here covering that story. I'm sure some online research would pluck it out, but that was not the focus of the story. Since Ms. Simpson was involved in the Riley campaign from the start, I'm sure what she remembers is as accurate if not more so than what you remember. She is a more trusted source, so to speak.

I fully reported, from an interview with Don Siegelman, why he says he conceded. Your leap to conclusions doesn't make any sense, except in a hyperactive partisan sense.

The Klan story in this case serves to show the reader how dirty tricks politics is played in this state, where it apparently originated and where Bush and Rove went to school to learn how to do it from the masters from the 1960s - Sandy Trammel and George Wallace. It really matters not whether that particular dirty trick DID the trick. Obviously it didn't, and that's clear in the story. But that particular

story was ignored by all the other press who found out about it, and the purpose of my story was to tell as much of Jill Simpson's story as possible, so you, the reader, could get more acquainted with her and the facts than you could have before in the previous coverage.

There are copies of the photos somewhere, and at one time, they were on the Web. Perhaps Rob Riley could produce them? He's the one who paid for them : )

I'm no lawyer, but as it was reported, there's nothing illegal about raising money for candidates in this state and hiding it in PACS and all kinds of places. I never said it was right, or should be allowed at all. But it is. I know for a fact the paper companies gave Guy Hunt money in "love offerings" at Sunday church, where Hunt used to fly in a state plane. He was never busted for that by the Feds, who at that time were also Republicans.

And it is no crime to lobby a Congressman to help "grease the skids" for progress in collecting federal contracts. What is puzzling is your defense of a \$178 million contract to the judge who presided in the case, but you seem to have a problem with a small town lawyer representing bona fide Alabama workers getting them paid for legitimate work.

Plus, the Rileys approached her about raising money for them. This was a way to facilitate that, I suppose, although again, I'm no lawyer and not making any judgments about that. I just reported what she told me, which illustrates some interesting things about how Alabama politics is played, wouldn't you say?

If you are of a mind, check out the [Code of Conduct for United States Judges](#) and you will find the line: "...a judge ... should not serve as an officer, director, active partner, manager, advisor, or employee of any business other than a business closely held and controlled by members of the judge's family."

Unless the E. in Fuller stands for Everitt and they are related, and I'm told they are not by a reporter in Montgomery, this would raise some eyebrows about the dude sitting in judgement while doing business with the Justice Department (the FBI) sitting at the table in front of him. I've interviewed several people since first reporting that, and to a person they all said it would definitely give them a queasy feeling having the judge in business with the feds while sitting in judgement. Whether the appeals court will rule on that issue on appeal, or a higher court, is not for me to judge. But it is worth raising in the story before the 11th Circuit ruled.



No one said he showed bias during the trial. That's out of left field and has nothing to do with the subject or substance of the story, which is an example of how the Bush administration has injected politics into the judicial process. Any basic government text book will show you that the judicial branch is supposed to be as removed from politics as possible. Of course it is not totally removed from politics ever, especially in Alabama where state judges are elected. Federal judges are appointed for life, so they have a higher obligation to remove themselves from potentially embarrassing business relationships. It has already been reported, and I think there will be more in the Sunday papers, about the judge divesting himself to some extent over the years of both Doss and Aureus. But the research I saw in Rainsville showed he was still not just a stockholder, but a majority, controlling owner, at least during the trial.

Your last comments show you either didn't read the story, or you didn't get the point. And you didn't disprove anything. This is a classic example of misdirection and attacking the messenger to attempt to confuse things for partisan political advantage.

As for you final comments, it is too bad you didn't have the patience to do an original comment that would be understandable to the general readership here.

FYI: Everybody: This is Will, an anonymous partisan Riley supportin' commenter from Doc's Political Parlor blog.

There's a massively deceptive thread going on over there all about how this story is a "conspiracy," with engineers and dog knows who trying their level best to convince the local blogosphere that they have credible information over there, but that everything over here is a bunch of lefty nonsense.

As my regular readers already know, we can't even get admitted to the Liberal Blog Hive at BlogAds.com, since we are "a news site."

I hope that answers your questions, Will, but I suspect it will somehow be inadequate.

Did I get to all your most profound points : ) ?

Posted by: fast2write  | [June 23, 2007 09:21 PM](#)

One more thing, Will, if that's your real name.

Do you consider anonymous partisan rants "solid blogging?"

Not in the world I come from, which is a world with three degrees in journalism and communications and 27 years as a reporter with stints at the New York Times, Christian Science Monitor, Dallas Morning News, UPI, etc.

Posted by: fast2write  | [June 25, 2007 05:59 PM](#)

Hey Everybody,

You are not going to believe this. Will is actually Bill Johnson, Gov. Bob Riley's campaign coordinator for volunteers, who got himself famous back during the campaign against Lucy Baxley for allegedly being Riley's "Karl Rove."

He was also famous for running for Congress against John Ashcroft, on a campaign to legalize marijuana and prostitution.

I did this blog post on him awhile back.

['Colorful' Bill Johnson Takes Over Riley Campaign](#)

Posted by: fast2write  | [June 27, 2007 01:30 AM](#)

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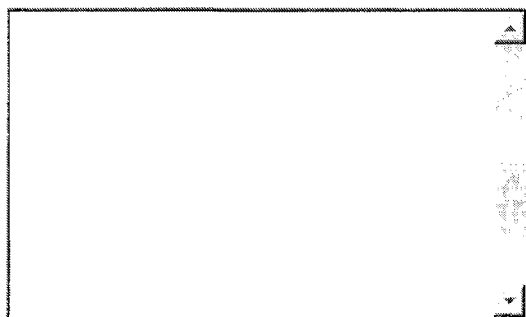
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## How the 2002 Election Was Stolen in Bay Minette

In late October and early November of 2002, the Rileys started calling Ms. Simpson back to get her help in the event of a close election, her phone records confirm. And on election-day Nov. 5, the race was razor-close.

When the poll workers and the press left the courthouses of Alabama that Tuesday night, Siegelman was declared the winner statewide. But the race was not to be over and would come down to a few thousand questionable votes in Baldwin County in South Alabama.

Siegelman received 19,070 votes in Baldwin County and beat Riley by 3,139 votes there. And he won statewide by an initial count showing him with 674,052 to Rileys 670,913 - a margin of 3,139 votes, the closest ever reported in an Alabama election.

But sometime during the night after everyone else went home, a Riley campaign worker by the name of Dan Gans - who had served as Riley's chief of staff both in Montgomery and Washington and went on to work with the Alexander Strategy Group, which has been repeatedly implicated in the Abramoff corrupt lobbying scandal - set up a laptop computer in the Baldwin County courthouse and changed the results, sources say.

In other words, he committed "electronic ballot stuffing" by changing the vote totals digitally, subtracting 6,334 votes from the Siegelman column.

Gans bills himself as a Republican "voting technology expert" and brags on a now defunct Website about his role in implementing "a state of the art ballot security system that was critical to securing Governor-elect Rileys narrow margin of victory (3,120 votes)."

According to Auburn University Professor James H. Gundlach, who studied the election and reported his results in a peer reviewed paper presented to the Alabama Political Science Association, there is little doubt that election fraud took place that night in Bay Minette.

For one thing, none of the vote counts for any other candidate changed in that last count, only Siegelman's. And all the votes changed in a negative direction.

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"When Baldwin County reported two sets of results, it was clear to me that someone had manipulated the results," Gundlach says. "There is simply no way that electronic vote counting can produce two sets of results without someone using computer programs in ways that were not intended."

All you have to do to steal an election that is so close, he concluded, would be to install a special card on the tabulating computer, along with enabling software, and use a similarly equipped laptop in a nearby room to modify the data files immediately after they were read from the cartridges.

"This would simply require access to the tabulating computer at some time before the election to install the card and after the election to remove the card," he said.

A source who was in the courthouse on election night says Gans was present and had the necessary access and was very interested in the final results. And this high level official in Baldwin County politics was surprised himself when he woke up the next morning and found out the numbers had changed overnight.

Working for the New York Times out of Bay Minette myself following the election and recount, I interviewed Probate Judge Adrian Johns at the time. Looking back at my files, I reported that he said, "a programming glitch in the software" showed Siegelman with 19,070 votes, enough to give Siegelman the victory in the early, "unofficial" count.

But Johns said the mistake was "corrected later" and that the call-in sheets from poll workers matched the 12,736 number that was made official Wednesday morning.

I suspected fraud and was prepared to work my sources at that time and investigate. But since Siegelman basically conceded, I was pulled out of Bay Minette by the Times and sent back home to New Orleans.

So why did Siegelman concede the election completely after only a few days and not push for a full recount as allowed by law?

Siegelman said in a recent interview that he conceded because his team figured the Alabama Supreme Court was stacked with a Republican majority and would side with Riley, so there was little point in insisting on a recount.

The case proceeded much like *Bush vs. Gore* in 2000, when the majority Republican appointed U.S. Supreme Court handed the

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election to Bush over then Vice President Al Gore. In Alabama, Republican Attorney General Bill Pryor certified the changed election count and the courts upheld it.

But Ms. Simpson tells a more intriguing story about that week. Her phone records show she was in almost constant contact with Rob Riley and others in the campaign.

The Riley campaign, led by a Republican operative named Bill Canary, now head of the Business Council of Alabama and husband to Leura Canary, the U.S. Attorney who brought the case against Scrushy and Siegelman, asked Ms. Simpson to go to the Jackson County Courthouse and take some pictures. But not just any pictures. It seemed a local Democrat would be seen there putting up Riley for Governor signs at a Ku Klux Klan rally - to use as a dirty trick against Riley.

What he did not know was that the Rileys already knew about the plan and had their own plan - to expose the Democrat dirty trick attempt and use it against the Democrats.

Ms. Simpson to this day does not know how the Riley campaign knew a Democrat would be engaged in that dubious activity. But she is convinced it was part of a Karl Rove double-barreled dirty trick to get Siegelman to concede - if the electronic voting manipulation strategy failed for some reason.

(I've been reporting since the Bush AWOL story that Bush and Rove learned their politics of dirty tricks in Alabama in 1972. This proves it has gotten totally out of hand).

So she went to the courthouse, parked a few blocks away so her car wouldn't be photographed at the scene, and she even wore a disguise to keep the local press from recognizing her. Sure enough, the Democrat was knocking up Riley signs and whooping it up with the local Klan, pretending to work for Bob Riley.

She took the photos and later hand-delivered the film in a disposable camera to a campaign worker sent to pick it up by Rob Riley. She was told they were given to Terry Butts, who was supposed to show them to Siegelman and force him to concede the election.

Siegelman said that would not have happened, because it would have been an ethical conflict. He says he believes everything in Jill Simpson's affidavit, but the most important thing, he said, was that "she places Karl Rove at the scene of the crime."

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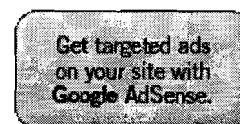
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Terry Butts denies all this, of course, and says even though he was tired from pulling "all nighters" writing briefs and dealing with the recount issue, he has no recollection of any conference call. Butts recalls Bob Riley putting his arm around him when the call came in that Siegelman conceded and using the term, "the winning team." But he claims no recollection of any Klan photos.

The potential ethical quandary must not have dawned on Butts in his exhaustion, because the prospect didn't prevent him from bragging about it in the conference call, Ms. Simpson says, most likely in the presence of the governor on a speaker phone. In the conference call Ms. Simpson reports in her affidavit, Butts continually said things like he was a Democrat before he became a Republican and that he knew Don Siegelman and could get to him and assure Siegelman that "it will all be over" if he would just concede.

Nothing else was ever done with the photos, apparently, and no one admits saving copies. The local newspaper in Scottsboro did get photos of the Riley signs at the Klan rally, but apparently never figured out, at least for publication, who was putting the signs up - or why.

And, as the story goes, those photos might be useful in the future to taint other Democrats, including Siegelman - when the time came for Rob to run himself. According to Ms. Simpson, the initial Riley election plan called for Bob Riley to serve one term as governor and then for Rob to run and serve two terms.

But it didn't work out that way, since apparently, "Bob liked the job too much."

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I had tried to get in touch with Auburn University Professor James H. Gundlach before this story was posted. But since he is mostly retired

now, it took a few days for him to get back in touch with me.

He said he still stands by his research 100 percent and is continuing to look at the 2006 election results.

We've now had several conversations on the phone and via e-mail. Here is one of his most relevant responses, which goes directly to the statistacal analysis involved.

It's a bit arcane for anyone who has not studied statistics, but suffice it to say, here is an expert saying the election was stolen, with evidence to back it up...

Glynn,

I had not thought of it when I wrote the Baldwin County paper, but the strongest evidence of manipulation of the voting results is the fact that the correlation between Siegelman's '98 and '02 vote was almost identical for the non-Baldwin and Baldwin voting districts, while the slope shifted from .85 to .67.

The only way that happens is to make a mathematical transformation of the data.

In real world data when the slope changes, the correlation changes.

Jim  
jimgundlach@bellsouth.net

Posted by: fast2write  | [June 30, 2007 12:48 PM](#)

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## How Ms. Simpson Discovered A Corrupt Judge

After the 2002 election, Ms. Simpson continued to stay in touch with Rob Riley and others in the Republican Party as Bob Riley moved into the governor's mansion in Montgomery and took over the reins of government. Her law practice flourished and life was pretty good in North Alabama, until the 2006 governor's race started heating up in 2005.

During that campaign, in part since the Rileys had not helped her with her federal contract case and others, in other words they didn't do their jobs, Ms. Simpson decided to publicly support Judge Roy Moore in the primary – even though she insists she intended to vote for Riley all along in the general election.

But her network of volunteers knocked up signs for the Ten Commandments Judge. And they were an ambitious group, Ms. Simpson says.

Just before a scheduled trip to the area by Riley, the volunteers plastered her office with Judge Roy Moore for governor signs. And the Riley campaign hit the roof.

"There were some hurt feelings," Ms. Simpson admits.

Once Judge Moore lost the Republican primary race to Riley, the Riley campaign started calling upon her again – this time asking Ms. Simpson for something she could not and would not deliver.

She was asked to investigate state Senator Lowell Barron, a powerful Democrat in the state legislature from Jackson County, who she had known all her life and respected. It was rumored that Barron was having an extramarital affair with another man's wife, a man who died in a fall from a mountaintop in the area. There were further rumors that Barron and a certain "yardman" were present at the accident, suicide – or murder – and that Barron may have pushed the man off the cliff.

Ms. Simpson says she knew the rumors were not true and that what they asked her to do was not only unethical, but illegal, in her view, so she absolutely refused to go along. The Riley campaign had also asked her to participate in some meetings to try and exclude four state senators from being able to run in the fall election because of problems with financial disclosure forms. She also refused to get

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JOE CONASON



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involved in that controversy.

"I told them hell no," Ms. Simpson said. "So they stopped calling me after that."

All along, the Bush Justice Department kept up the pressure on Siegelman, trying to get him out of the way in any future election.

Doug Jones, a former U.S. attorney in Birmingham who represented Siegelman early on in the case, met with federal prosecutors in Montgomery in the summer of 2004 and felt Siegelman's chances of getting off were good.

"Frankly, we got the strong impression that they didn't have a case," Jones told a reporter for the Anniston Star.

But by that fall, Jones said, the Montgomery prosecutors stopped returning his calls, but finally told him "they went up to D.C., and the headquarters people told them to go back and look at the whole case again, from start to finish. Normally, that's not that unusual. But in light of all that is going on right now (in Washington with the politicization of the Department of Justice), well, it takes on a whole new meaning."

So U.S. Attorney Alice Martin, a Bush appointee, went ahead and indicted Siegelman on May 27, 2004 on federal charges of participating in a bid-rigging scheme with his former chief of staff and a major contributor to his political campaigns.

After a major fight with federal prosecutors and switching judges three times, the trial started in October 2004. The next day, however, in part due to the oversight of what constitutes "intent" to commit a crime on the part of U.S. District Judge U.W. Clemon, charges against all three were thrown out "with prejudice," meaning that charges could not be re-filed ever again based on the same charges and the same disallowed evidence.

But that was not to deter the Bush Justice Department or the Riley machine.

On October 26, 2005, Siegelman was indicted again on charges of racketeering, bribery, and extortion, along with his former chief of staff, a former state transportation director and former HealthSouth CEO Richard Scrushy.

Ms. Simpson says she followed the case with much interest, especially in light of what came out in her affidavit about the Bush

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Justice Department "conspiracy" to "get" Don Siegelman by Canary's "girls."

Among Ms. Simpson's hobbies, she likes to collect all manner of political memorabilia. She proudly shows me a signed, color photograph of Karl Rove, for example. She gets kicks spending a lot of her time signed onto the Internet using the Web to "do" legal research.

After Siegelman and Scrushy were convicted, she remembered something Rob Riley had told her in a meeting in Birmingham in 2005. Riley had indicated after the first trial against Siegelman was lost that they had "found another judge" in Montgomery who might very well be able to put through a successful conviction.

Because of Rob Riley's braggadocio, Ms. Simpson said, she began checking out the judge, U.S. District Judge Mark E. Fuller. What she found was so astonishing to her that she eventually felt compelled to call one of Siegelman's lawyers to report it. But that first phone call was never returned.

That could have been the end of it, and she said to herself: "Oh, well. I tried."

But eventually she put together such a revealing picture of a very rich federal judge who owned companies doing millions upon millions of dollars worth of business with the U.S. government, including making uniforms for the FBI and training Saudi and Iranian pilots - all while doing business with the Justice Department in eliminating Siegelman from politics forever.

What Scrushy didn't know and was later distressed to learn is that he was not even close to being the richest man in that courtroom. It was the judge.

Back during the heady days of 2002, Ms. Simpson had followed Don Siegelman around looking for dirt for the Rileys. Their nickname for Siegelman had been "The Cockroach." As the story goes, "he was like a cockroach. You couldn't kill him" or "get him to go away."

Now she found herself tracking the judge who was going to put him away perhaps for life.

Amazingly, Justice Fuller received a \$178 million contract through a privately held company to train pilots and navigators for the U.S. government DURING THE SIEGELMAN, SCRUSY TRIAL. The company is called Doss Aviation of Alabama.

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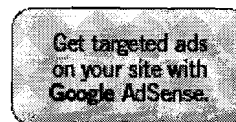
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For another company called Aureus International that is listed as a division of Doss Aviation on the company's Website, Fuller is also listed as the majority owner, according to Ms. Simpson's research. The company does a comparable amount of business making uniforms for the U.S. military and the FBI, which played a major role in the investigation and prosecution of Siegelman and Scrushy.

Two FBI agents were granted special permission by Fuller to sit at the prosecution table every day during the trial - not only to aid in the prosecution, but to put on a show for the jury.

Yet legal cannons and codes of conduct say it is a "duty" on the part of any judge to disclose any potential conflict of interest before trying a case, and to disclose all of his sources of income fully in official financial disclosure reports.

U.S. District Judge Karen Bowdre called a conference with the attorneys before the Scrushy trial in Birmingham, for example, and revealed that she had ridden horses at the same stable as Scrushy's wife and had met her. Neither the defense nor the prosecution balked at that and she presided over the trial anyway. That trial resulted in a not guilty verdict for Scrushy.

But in Fuller's case, no pre-trial conference was called. And Fuller lists no income from Aureus on any of his disclosure forms to date. He is about one month late in filing his forms for last year, according to the online disclosure reports, and legal experts say he may be preparing to cover his tracks in a future filing.

In addition, the controlling laws in the case say if a "reasonable person" were to conclude that the judge has a conflict or the appearance of a conflict, the judge should recuse himself. It doesn't say what a judge would conclude, but what a lay person would conclude. That is what the 11th circuit court panel will have to consider - if not prior to sentencing, then on appeal.

In fact, in the first chapter of the Code of Conduct for United States Judges, it says, in part:

"...a judge ... should not serve as an officer, director, active partner, manager, advisor, or employee of any business other than a business closely held and controlled by members of the judge's family."

All of this is laid out in a petition filed with the appeals court by Scrushy's legal team. You can [read the document here](#).

As for why Fuller might have risked his own legal and political future to help convict Siegelman, the only answer can be a certain arrogance of power, perhaps because Fuller's own background reveals interesting ties from his college days to Rob Riley, and from their ties as being campaign managers in Washington when Riley ran his dad's Congressional campaigns and Fuller ran Everitt's. The record also shows he has major ties to the military-industrial complex operating largely out of Enterprise Alabama, home to Rep. Terry Everett, who basically acts as Fuller's paid lobbyist in Washington to obtain federal contracts for his defense-related companies. His companies not only clothe and equip the troops. They wash their vehicles and pump their gas too.

A search of Everett's campaign finance disclosure forms shows Fuller has contributed thousands of dollars personally to Everett's campaigns. Fuller's office did not return a phone call seeking comment.

Now that all kinds of accusations of scandal have surfaced in the national press about the political manipulation of the U.S. justice system by Attorney General Alberto Gonzales in the firing of eight federal prosecutors, the judiciary committees in the U.S. House and Senate, led by the new Democratic Party majority, are investigating and holding hearings.

And there is an indication that Ms. Simpson may be called to testify before it is all over. She has already obtained special legal counsel in preparation for expected appearances, and sources in Washington say those committees are considering calling her.

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## How and Why Ms. Simpson Wrote and Signed the Affidavit

To understand why this otherwise loyal Republican would come out against her fellow party members in such an explosive way, you have to understand the mind of a true believer.

When no one on the Siegelman legal team called Ms. Simpson back, she felt ethically off the hook, but not for long. She had tried and they had failed. But it continued to weigh on her conscience.

Back when the Riley campaign had asked her to do the "dirty, untrue" research, Ms. Simpson had contacted the Alabama Bar Association to get an opinion on her legal and ethical responsibilities. She was advised that she had no legal or ethical duty as a lawyer regarding these political shenanigans.

She was told she could contact Joe Espy, who represented Barron, but also knew Don Siegelman. Espy asked her to write down what happened, but she didn't. She told Espy what she knew, hoping that would be the end of her role in the case.

Later on, Espy asked her why the Riley campaign would ask her to do some of the things they had asked her to do. Then she told him about the photos and the conspiracy to get Siegelman to concede in 2002. So Espy told her to call the bar association again, and she was told she could contact Scrushy and had a "moral duty to do the right thing."

So she called and then later wrote several letters to Art Leach, who was representing Scrushy.

Meanwhile, she had already told her story to her friend Mark Bollinger, who was on Alabama Attorney General Jimmy Evan's task force in the successful prosecution of Guy Hunt in 1993. Bollinger also knew Siegelman, so he eventually told Siegelman Ms. Simpson's story. Siegelman called and asked Ms. Simpson to write up an affidavit, but still she refused.

Then as sentencing was approaching and justice didn't seem to be happening in Montgomery, Ms. Simpson finally came up with the idea to drive across state lines to Georgia and sign the affidavit in a lawyer's office in Dade County. She then met Mark Bollinger there and gave him a copy of the now famous affidavit. Why go to

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Georgia? Because she was afraid federal prosecutors or even Alabama's conservative Attorney General Troy King might drag her into court and tie her up with expensive paperwork for years for something like mail or wire fraud - for making accusations against a federal judge in an Alabama court filing sent through the mail, or even e-mail.

But so far, the judge has ignored the facts in a brief filed with the 11th circuit court based on her research and refused to step aside. Her name is not on the brief. And she insists she took no fee for her work and time.

Ms. Simpson insists she had no desire for publicity and the only thing she's getting out of whole thing is "a bunch of misery." To back it up, she almost canceled talking to me two days before the interview. She would not allow any photos to be taken of her for this story. And she's refused at least one offer to appear on a national network television show to talk about her affidavit.

But as the sentencing date approaches in less than a week, she thinks that without telling someone in the press the whole story - and getting it all out in a timely manner so people will understand it - justice may not prevail.

In addition, she is not happy with the way assistant U.S. Attorney Louis Franklin has falsely attacked her in the local press. She believes the false allegations are a possible violation of federal guidelines governing what prosecutors can say to the press during the phase of a case between conviction and sentencing. And, one lawyer can't say that about another lawyer without potentially facing legal consequences.

So she agreed to tell her story to me. After eight hours of talking with Ms. Simpson, she said something that should let you know where she stands - and it has nothing to do with partisan politics or money.

"I still believe that justice will always prevail in the end," Ms. Simpson said. "Whether it prevails in time for Mr. Siegelman and Mr. Scrushy to avoid going to jail, we will see. But in the end, justice will always prevail. I really believe that."

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